IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 16392 of 2007(B)

PETITIONER:

THOMAS JOSE, MATTAPPALLIL HOUSE,
7TH MILE, ELIKULAM P.O.

BY ADV. SRI.R.SUDHIR

RESPONDENTS:

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1. THE REGIONAL ENGINEER,
KERALA STATE HOUSING BOARD, KOCHI HOUSING UNIT,
KOCHI.

2. THE ACCOUNTS OFFICER, KERALA STATE
HOUSING BOARD, ERNAKULAM DIVISION,
PANAMPILLY NAGAR, KOCHI.

3. THE CHAIRMAN, KERALA STATE HOUSING
BOARD, THIRUVANANTHAPURAM.

4. THE SECRETARY, KERALA STATE HOUSING
BOARD, THIRUVANANTHAPURAM.

BY ADV. SRI.A.JAYASANKAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO. 16392 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the Agreement dtd.21.12.1993.

Ext.P2: Copy of the application dtd.4.9.2004.

Ext.P3: Copy of the letter dtd.21.12.2004 of the 2nd respondent.

Ext.P4: Copy of the letter dtd.17.10.2004 of the 2nd respondent.

Ext.P5: Copy of the representation dtd.14.5.2007 submitted by the petitioner.

Ext.P6: Copy of the letter dtd.22.5.2007 of the petitioner sent to R3.

Ext.P7: Copy of the notification dtd.29.5.2007 published in Hindu daily dtd.3.6.2007.

RESPONDENTS' EXHIBIT:

Ext.R1(a): Copy of the mahazar prepared at the time of eviction.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO.16392 OF 2007 - B

Dated this the 5th day of July, 2007

J U D G M E N T

The petitioner was allotted a flat by the Kerala State Housing Board. He defaulted repayment of the amounts. The petitioner has been evicted and the Board is taking steps to sell the flat by inviting tenders. The contention of the petitioner is that he is prepared to pay the entire amount provided he is given the benefit of One Time Settlement Scheme for which the petitioner has already made an application.

2. The learned Standing Counsel submits that although the petitioner has applied for One Time Settlement, the scheme has already expired on 30.6.2007. He further submits that as is evidenced from Ext.R1(a) Mahazar, the petitioner has inducted somebody else in the flat and therefore he is disentitled to the allotment itself.

3. After hearing both sides, I feel that some leniency can be shown to the petitioner. Accordingly, the writ petition is disposed of with the following directions:-

The respondents shall consider the application for One Time Settlement filed by the petitioner and pass appropriate orders thereon, expeditiously. On receipt of the orders, the petitioner shall pay the amounts demanded as directed by the respondents. On payment of the same, the petitioner shall be put back possession of the flat.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007